

Application No. 09/770,078
Amendment dated February 28, 2005
Reply to Office Action of November 30, 2004

REMARKS

Claims 1, 3-31, and 35-47 are pending in the application; the status of the claims is as follows:

Claims 35-44 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,289,464 B1 to Wecker et al ("Wecker").

Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,068,183 to Freeman et al ("Freeman") in view of U.S. Patent No. 5,380,991 to Valencia et al ("Valencia"), and further in view of U.S. Patent No. 5,359,182 to Schilling ("Schilling").

The allowance of claims 1, 3-20, 24-31, and 45-47, by the Examiner, is noted with appreciation.

Claims 35 and 40 have been amended to incorporate from the specification the meaning of a display having memory capability. Because claims 35 and 40 already recite a display having memory capability, the amendments are not narrowing amendments. Furthermore, these changes are not necessitated by the prior art, are unrelated to the patentability of the invention over the prior art, and do not introduce any new matter.

Claim 39 has been amended to correct a grammatical error.

35 U.S.C. § 102(e) Rejection

The rejection of claims 35-44 under 35 U.S.C. § 102(e) as being anticipated by Wecker, is respectfully traversed because Wecker fails to disclose every limitation of the subject claims.

Claims 35 and 44 are directed to a portable communication terminal comprising "a display device having memory capability." As set forth at paragraph [00120] of the

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specification, a display having a memory effect is one that continues to display an image even when power to the display itself is turned off. An exemplary display is shown in Figs. 7 to 10, and described in detail in paragraphs [00140] to [00175]. To further clarify the claims, claims 35 and 40 have been amended to include the definition of a display device having memory capability. Specifically, the amended claims recite "said display device keeping an image displayed thereon after the driver turns off."

The Office Action cites to Wecker column 4, lines 61-65; column 5, line 35 to column 6, line 24, and Figs. 2 and 4 as disclosing a display having a memory capability. It is respectfully submitted however, that the cited portions of Wecker merely refer to random access memory (RAM), and that Wecker fails to provide any disclosure with respect to a display having a memory capability. Therefore, claims 35 and 40 distinguish over Wecker, as do claims 36-39 and 41-44 which depend therefrom.

Accordingly, it is respectfully requested that the rejection of claims 35-44 under 35 U.S.C. § 102(e) as being anticipated by Wecker, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejection

The rejection of claims 21-23 under 35 U.S.C. § 103(a), as being unpatentable over Freeman in view of Valencia, and further in view of Schilling, is respectfully traversed as being mooted by the cancellation of the subject claims. Accordingly, it is respectfully requested that the rejection of claims 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Freeman in view of Valencia, and further in view of Schilling, be withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.


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This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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